

Commodity Credit Corporation, USDA

§ 1466.11

in EQIP only if NRCS determines that the land is:

- (1) Privately owned land;
- (2) Publicly owned land where:
 - (i) The land is under private control for the contract period and is included in the participant's operating unit; and
 - (ii) The conservation practices will contribute to an improvement in the identified natural resource concern; or
- (3) Tribal, allotted, or Indian trust land.
- (d) Sixty percent of available EQIP financial assistance will be targeted to conservation practices related to livestock production, including practices on grazing lands and other lands directly attributable to livestock production, as measured at the National level.

§ 1466.9 EQIP plan of operations.

- (a) All conservation practices in the EQIP plan of operations must be carried out in accordance with the applicable NRCS field office technical guide.
- (b) The EQIP plan of operations must include:
 - (1) A description of the participant's specific conservation and environmental objectives to be achieved;
 - (2) To the extent practicable, the quantitative or qualitative goals for achieving the participant's conservation and environmental objectives;
 - (3) A description of one or more conservation practices in the conservation management system to be implemented to achieve the conservation and environmental objectives;
 - (4) A description of the schedule for implementing the conservation practices, including timing and sequence; and
 - (5) Information that will enable evaluation of the effectiveness of the plan in achieving the environmental objectives.
- (c) If an EQIP plan of operations includes an animal waste storage or treatment facility, the participant must provide for the development and implementation of a comprehensive nutrient management plan.
- (d) Participants are responsible for implementing the EQIP plan of operations.
- (e) A participant may receive assistance to implement an EQIP plan of operations for water conservation with

funds authorized by section 1240I of the 1985 Act, 16 U.S.C. 3839aa-9, only if the assistance will facilitate a net savings in ground or surface water resources in the agricultural operation of the producer.

§ 1466.10 Conservation practices.

- (a) NRCS will determine which structural and land management practices are eligible for program payments. A list of eligible practices will be available to the public.
- (b) Cost-share and incentive payments will not be made to a participant for a conservation practice that the applicant has applied prior to application for the program.
- (c) Cost-share and incentive payments will not be made to a participant who has implemented or initiated the implementation of a conservation practice prior to approval of the contract unless a waiver was granted by the State Conservationist or Designated Conservationist prior to the installation of the practice.
- (d) A participant will be eligible for cost-share or incentive payments for irrigation related structural and land management practices only on land that has been irrigated for two of the last five years prior to application for assistance.
- (e) Where new technologies or conservation practices that provide a high potential for optimizing environmental benefits have been developed, NRCS may approve interim conservation practice standards and financial assistance for pilot work to evaluate and assess the performance, efficacy, and effectiveness of the technology or conservation practices.

§ 1466.11 Technical and other assistance provided by qualified personnel not affiliated with USDA.

- (a) NRCS may use the services of qualified Technical Service Providers in performing its responsibilities for technical assistance.
- (b) Participants may use technical and other assistance from qualified personnel of other Federal, State, and local agencies, Indian Tribes, or individuals who are certified as Technical Service Providers by NRCS.